

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110 (2 cases)

Date of Decision : 14.12.2018

1) FAO No.5448 of 2018 (O&M)

National Insurance Company Ltd.

..... Appellant

Versus

Saroj Bala and others

.... Respondents

2) FAO No.5477 of 2018 (O&M)

National Insurance Company Ltd.

..... Appellant

Versus

Smt. Nimo and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Sandeep Suri, Advocate
for the appellant.

AJAY TEWARI, J. (ORAL)

These two appeals have been filed by the insurance company against the common award dated 13.04.2018 wherein two persons have died i.e. Anil and Om Parkash. Since the issue involved in both the appeals is same, both the appeals are decided by the common order.

The case set up in the claim applications was that the two deceased were travelling in Bolero Jeep being owned and driven by Raj Singh on the fateful day and that Jeep met with an accident resulting into death of these two persons. The only argument raised by the counsel is with

regard to the proof of negligence and consequently further detailed reference to the facts would not be required.

Counsel for the appellant has argued that there was no eye witness to the accident and the Tribunal has held Raj Singh liable only on the ground that he has been challaned in the criminal case. In my opinion, this argument is incomplete. The Tribunal has considered the damage report of the vehicle in question which showed that the vehicle was very badly damaged. To the mind of the Tribunal, and to the mind of any reasonable person, the damage caused to a vehicle which has met with an accident, can be an indication that it was being driven very fast or not. Supposing a car runs into a tree and only the headlights are broken, it is a good indication that the car was not driven very fast but if the front is dented and even the engine is damaged then any person can come to a conclusion that car was driven very rashly and negligently. The third circumstance which weighed with the Tribunal is that Raj Singh did not appear to testify in the witness box that how the accident took place. In the circumstances, it cannot be said that the Tribunal only relied on the challan against the driver to come to a conclusion that the vehicle was driven rashly and negligently.

Appeals are dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

December 14, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No